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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,512	12/01/2004	Carol Hobon	262017US6PCT	6972
22850 7590 01/22/2009 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER SIMONE, CATHERINE A				
ART UNIT 1794		PAPER NUMBER		
NOTIFICATION DATE 01/22/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/516,512

Applicant(s)

HOBON ET AL.

Examiner

Catherine Simone

Art Unit

1794

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-32 is/are pending in the application.
4a) Of the above claim(s) 24-29 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 16-23 and 30-32 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Withdrawn Rejections

1. The 35 U.S.C. 102(b) rejection of claim 23 as being anticipated by Taplan of record in the previous Office Action mailed 6/25/2008, Page 2, Paragraph #4 has been withdrawn due to the Applicant's amendment filed 10/9/2008.
2. The 35 U.S.C. 103(a) rejection of claims 16-22 and 30 over Taplan of record in the previous Office Action mailed 6/25/2008, Pages 3-5, Paragraph #7 has been withdrawn due to the Applicant's amendment filed 10/9/2008.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 16-18, 20, 22, 23 and 30-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Freeman (US 6,636,370 B2).
5. Regarding claim 16, Freeman teaches an interlayer sheet having an upper surface and a lower surface (Figure 11), and at least one bevel 35 mm or more wide (col. 10, lines 1-11, col. 11, lines 5-10 and col. 14, lines 17-23) formed at a first edge of the upper surface (Fig. 11, area 837), the at least one bevel having a thickness in a direction perpendicular to the lower surface of

the sheet decreasing along the bevel in a direction from an interior portion of the sheet to the first edge (Fig. 11, edge 804). It is to be pointed out that the limitation “a glass-ceramic plate configured to cover heating elements” has been considered, but does not provide a patentable distinction over the prior art, since the limitation occurs in the preamble and is merely reciting the intended use of the claimed structure. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Regarding claim 17, the limitation “is configured to receive one or more mechanisms configured to control the heating elements” has been considered, but does not provide a patentable distinction over the prior art, since the limitation is a recitation of the intended use of the claimed invention and a recitation of the intended use must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Regarding claim 18, note the at least one bevel (Fig. 11, lower area 837) follows a raised portion (Fig. 11, #839), since upper area 839 is increasing in thickness, and the thickness of the sheet at the top of the raised portion is less than twice a standard thickness of the sheet (col. 11, lines 58-61).

Regarding claim 20, the sheet includes the upper surface bearing the at least one bevel (Fig. 11, area 837), and the lower surface remains approximately flat (Fig. 11, surface 836).

Regarding claim 22, the at least one bevel (Fig. 11, area 837) follows a raised portion (Fig. 11, area 839), the at least one bevel extending over at least one of a part of a width of the raised portion and a part of a width of the sheet outside the raised portion (Fig. 11).

Regarding claim 23, Freeman teaches a sheet having a first surface and a second surface substantially parallel to the first surface (Fig. 11), at least one raised portion formed above the first surface with a first thickness of the raised portion greater than a thickness of the sheet outside the raised portion (Fig. 11, upper area 839; col. 11, lines 58-61), since the upper area 839 is increasing in thickness, and at least one tapered portion (Fig. 11, area 837) following the at least one raised portion tapering from the first thickness of the at least one raised portion to a reduced thickness toward an edge (Fig. 11, edge 804) of the sheet (col. 11, lines 61-64). It is to be pointed out that the limitation “a glass-ceramic plate configured to cover heating elements” has been considered, but does not provide a patentable distinction over the prior art, since the limitation occurs in the preamble and is merely reciting the intended use of the claimed structure. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Regarding claim 30, the limitation “a cooking and/or temperature-maintaining device” has been considered, but does not provide a patentable distinction over the prior art, since the

limitation occurs in the preamble and is merely reciting the intended use of the claimed structure. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Regarding claim 31, note the thickness of the sheet along the at least one bevel tapers from a first thickness to a second thickness, the second thickness being less than a normal thickness of the sheet outside of the at least one bevel (Fig. 11, lower area 837; col. 11, lines 61-64).

Regarding claim 32, the reduced thickness (thickness at lower edge 804 in Fig. 11) is smaller than a normal thickness of the sheet outside of the at least one tapered portion and the at least one raised portion (col. 11, lines 58-64).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman (US 6,636,370).

Freeman teaches the claimed structure as detailed above. However, Freeman fails to specifically teach the thinnest point of the bevel having a thickness of at least 2 mm and further fails to teach a ratio of width of the at least one bevel to a height of the at least one bevel being less than 23.3. It is to be pointed out that Freeman teaches the thinnest point of the bevel having a thickness of .029 to .036 inches (0.74 to 0.91 mm) (col. 11, lines 63-64), which is close to the claimed thickness of at least 2 mm. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the thinnest point of the bevel in Freeman to have a thickness of at least 2 mm, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art in absence of showing unexpected results. MPEP 2144.05 (II). Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the bevel in Freeman to have a ratio of width of the at least one bevel to a height of the at least one bevel being less than 23.3, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art in absence of showing unexpected results. MPEP 2144.05 (II).

Response to Arguments

8. Applicant's arguments with respect to claims 16-23 and 30-32 have been considered but are moot in view of the new grounds of rejection, which are presented above.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine Simone whose telephone number is (571) 272-1501. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer McNeil can be reached on (571) 272-1540. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Catherine Simone/
Examiner, Art Unit 1794

/JENNIFER MCNEIL/
Supervisory Patent Examiner, Art Unit 1794